United Nations A/69/L.71*

General Assembly

Distr.: Limited
21 May 2015

Original: English

Sixty-ninth session
Agenda item 14
Culture of peace

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Saving the cultural heritage of Iraq

The General Assembly,

Recalling its resolutions 66/180 of 19 December 2011 and 68/186 of 18 December 2013 on strengthening crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking, 67/80 of 12 December 2012 on the return or restitution of cultural property to the countries of origin, 69/196 of 18 December 2014 on the International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences, and 69/197 of 18 December 2014 on strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity, as well as the Global Counter Terrorism Strategy and its biennial reviews,[1]

* Reissued for technical reasons on 27 May 2015.

[1] Resolutions 60/288, 62/272, 64/297, 66/282 and 68/276.

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Recalling also the Regulations Concerning the Laws and Customs of War on Land annexed to the Hague Convention Respecting the Laws and Customs of War on Land, the Geneva Conventions of 12 August 1949,[2] the Convention for the Protection of Cultural Property in the Event of Armed Conflict and its first and second Protocols,[3] the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property,[4] the Convention Concerning the Protection of the World Cultural and Natural Heritage[5], the Convention on Stolen or Illegally Exported Cultural Objects,[6] the United Nations Convention against Transnational Organized Crime,[7] the Convention for the Safeguarding of the Intangible Cultural Heritage,[8] the Convention on the Protection and Promotion of the Diversity of Cultural Expressions,[9] other relevant international legal instruments and customary international law,

Recalling further all relevant Security Council resolutions, including resolutions 1267 (1999) of 15 October 1999, 1373 (2001) of 28 September 2001, 1483 (2003) of 22 May 2003, 2161 (2014) of 17 June 2014, 2170 (2014) of 15 August 2014, 2178 (2014) of 24 September 2014, 2195 (2014) of 19 December 2014 and 2199 (2015) of 12 February 2015,

Mindful of the Universal Declaration on Cultural Diversity of the United Nations Educational, Scientific and Cultural Organization,[10] the Declaration concerning the Intentional Destruction of Cultural Heritage of the United Nations Educational, Scientific and Cultural Organization,[11] Executive Board decision 196 EX/29 of 21 April 2015 of the United Nations Educational, Scientific and Cultural Organization, the World Heritage List of the United Nations Educational, Scientific and Cultural Organization, which contains several sites in Iraq, including Hatra, as well as the Doha Declaration adopted at the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, held from 12 to 19 April 2015,

Appalled by the destruction and looting carried out by the Islamic State of Iraq and the Levant (ISIL), also known as Da'esh, of the cultural heritage of Iraq, cradle of the Mesopotamian civilization, found in its museums, libraries, archives and archaeological sites, places of worship, including mosques, shrines and churches, and of religious and cultural artefacts, which are irreparable losses for Iraq and for humanity as a whole,

Alarmed by the increasing number of intentional attacks against and threats to the cultural heritage of countries affected by armed conflict as well as the organized looting and trafficking in cultural objects, which occurs on an unprecedented scale today,

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[2] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

[3] Ibid., vols. 249 and 2253, No. 3511.

[4] Ibid., vol. 823, No. 11806.

[5] Ibid., vol. 1037, No. 15511.

[6] Ibid., vol. 2421, No. 43718.

[7] Ibid., vol. 2225, No. 39574.

[8] Ibid., vol. 2368, No. 42671.

[9] Ibid., vol. 2440, No. 43977.

[10] United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Thirty-first Session, Paris, 15 October-3 November 2001*, vol. 1 and corrigendum, *Resolutions*, sect. V, resolution 25, annex I.

[11] Ibid., *Thirty-second Session, Paris, 29 September-17 October 2003*, vol. 1, *Resolutions*, sect. IV, resolution 33, annex.

Deeply concerned about such acts generating income for terrorist groups, which can support their recruitment efforts and strengthen their operational capability to organize and carry out terrorist attacks,

Recognizing the indispensable role of crime prevention and criminal justice responses in combating all forms and aspects of trafficking in cultural property and related offences in a comprehensive and effective manner,

Affirming that the destruction of cultural heritage, which is representative of the diversity of human culture, erases the collective memories of a nation, destabilizes communities and threatens their cultural identity, and emphasizing the importance of cultural diversity and pluralism as well as freedom of religion and belief for achieving peace, stability, reconciliation and social cohesion,

Underlining, therefore, the necessity to take measures to safeguard and protect the tangible and intangible heritage of communities against the effects of armed conflict at all times,

Resolved to stand up against attacks on the cultural heritage of any country as attacks on the common heritage of humanity as a whole,

1. *Condemns* the barbaric acts of destruction and looting of the cultural heritage of Iraq carried out by the Islamic State of Iraq and the Levant (ISIL) and deplores the rising incidence of intentional attacks against and threats to the cultural heritage of countries affected by armed conflict as well as damage to cultural property resulting from indiscriminate attacks and the organized looting and trafficking of cultural objects;

2. *Expresses outrage* that attacks on cultural heritage are used as a tactic of war in order to spread terror and hatred, fan conflict and impose violent extremist ideologies;

3. *Calls for* an immediate halt to the wanton destruction of the cultural heritage of Iraq, including religious sites or objects, emphasizes that no such acts committed by ISIL or other individuals, groups, undertakings and entities associated with Al-Qaida will be tolerated, and also calls for the preservation of the cultural heritage of Iraq by protecting cultural and religious properties and sites consistent with international humanitarian law;

4. *Recalls* that, under the Convention for the Protection of Cultural Property in the Event of Armed Conflict,[12] all parties to an armed conflict shall refrain from committing any act of hostility directed against cultural property, that the use of cultural property, its immediate surroundings or the appliances in use for its protection, for purposes which are likely to expose it to destruction or damage in the event of armed conflicts, is prohibited and may be waived only in cases where military necessity imperatively requires such a waiver, and that all parties to an armed conflict shall prohibit, prevent and, if necessary, put a stop to any form of theft, pillage or misappropriation of, and any acts of vandalism directed against, cultural property;

5. *Affirms* that attacks intentionally directed against buildings dedicated to religion, education, art, science or charitable purposes, or historic monuments, may amount to war crimes;

[12] United Nations, *Treaty Series*, vol. 249, No. 3511.

6. *Stresses* the importance of holding accountable perpetrators of attacks intentionally directed against buildings dedicated to religion, education, art, science or charitable purposes, or historic monuments, provided they are not military objectives, and of other violations of international legal instruments on the protection of cultural heritage, and calls upon all States to take appropriate action to this end within their jurisdiction in accordance with applicable international law;

7. *Affirms* its support for the Government of Iraq in protecting the heritage of Iraq, an inseparable and permanent part of its national identity, and safeguarding its rich cultural, religious and ethnic diversity, which has an important role to play in its efforts of national reconciliation and reconstruction;

8. *Calls upon* community leaders to stand up and reaffirm unambiguously that there is no justification for the destruction of humanity's cultural heritage, and appeals also to cultural institutions, museums, archives, libraries, journalists and scientists to explain the necessity of safeguarding and protecting this heritage and, in this regard, welcomes the launch of the sensitization campaign "Unite 4 Heritage" by the Government of Iraq and the United Nations Educational, Scientific and Cultural Organization;

9. *Calls upon* all States to assist the Iraqi authorities in fighting against trafficking in cultural property illegally excavated from archaeological sites and taken from museums, libraries, archives and manuscript collections, as required under Security Council resolutions 1483 (2003) and 2199 (2015), including through international cooperation regarding the restitution of stolen or illicitly exported cultural property, as appropriate, as well as in criminal justice matters and in meeting the challenge of repairing, restoring and conserving damaged or destroyed cultural heritage when security conditions allow;

10. *Expresses concern* that ISIL and other individuals, groups, undertakings and entities associated with Al-Qaida are generating income from engaging directly or indirectly in the looting and trafficking of Iraqi cultural heritage items, which is being used to support their recruitment efforts and strengthen their operational capability to organize and carry out terrorist attacks;

11. *Welcomes*, in this regard, the adoption of Security Council resolution 2199 (2015), which aims to counter terrorism financing, in particular the decision in paragraph 17 that all Member States shall take appropriate steps to prevent the trade in Iraqi cultural property and other items of archaeological, historical, cultural, rare scientific and religious importance illegally removed from Iraq since 6 August 1990, which complements a similar provision for Iraq in place since 2003 contained in paragraph 7 of Security Council resolution 1483 (2003), calls for full and timely implementation by all Member States of this decision, recalls the obligation of all States to provide the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) with information pertaining to violations of the sanctions regime as well as to provide all other necessary assistance to the Committee, calls on the United Nations Educational, Scientific and Cultural Organization, the International Criminal Police Organization (INTERPOL) and other international organizations, as appropriate, to assist all Member States in its implementation, as requested in paragraph 17 of Security Council resolution 2199 (2015), and welcomes the actions already undertaken by the United Nations Educational, Scientific and Cultural Organization, INTERPOL and the United Nations Office on Drugs and Crime in this regard;

12. *Urges* all States to take appropriate measures to ensure that all actors involved in the trade in cultural property, including, but not limited to, auction houses, art dealers, art collectors and museum professionals, are required to provide verifiable documentation of provenance as well as export certificates related to any cultural property imported, exported or offered for sale, including through the Internet;

13. *Encourages* States that are not already parties to consider ratifying or acceding to relevant legal instruments, in particular the Convention for the Protection of Cultural Property in the Event of Armed Conflict and the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property;

14. *Invites* all States, intergovernmental bodies, the United Nations system, relevant non-governmental organizations and all other stakeholders to support existing national legal frameworks and policies for the protection and preservation of cultural heritage and the return of cultural property, and especially to identify and close any gaps in the national regulations against trafficking in cultural property;

15. *Calls for* the urgent implementation and strengthening of the Emergency Response Action Plan on Iraq adopted in July 2014, which provides for close monitoring of the conservation status of Iraqi heritage, training of professional curators and support for staff in place, including by taking emergency measures for the transfer of any cultural property at risk, in particular from museums, libraries, archives and manuscript collections;

16. *Calls for* intensified efforts by States to protect, preserve, inventory and document items of cultural heritage endangered by armed conflicts, including through close cooperation and exchange among museums, libraries, archives and manuscript collections or other institutions or persons dealing with cultural heritage.